

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
NOTICE OF PUBLIC MEETING
THURSDAY, JANUARY 26, 2023
AGENDA

PLEASE TAKE NOTICE that the Zoning Board of the Town of Chatham has scheduled a meeting on Thursday, January 26, 2023 at 7:00 PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, with the option for the public to join by google meet as follows: meet.google.com/rzi-qxck-yui or by phone, +1 916-800-5228, PIN: 491 706 765#.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's meeting, December 8, 2022

Communications: a second email from neighbor of cell tower on Harmon Heights Road; an inquiry from neighbor of 2628 Cty Rte 9, New Concord septic location.

New Business

Application for Setback Variances from David Emil & Jennifer Crichton for property located at 119 Bashford Road, Tax ID 34.-1-18

Old Business:

Harmon Heights Road Cell Tower height extension.

Other Business:

Next Meeting Date: Thursday, February 23, 2023

Adjournment

Dated 1/17/2023
Zoning Board Clerk

**TOWN OF CHATHAM ZONING BOARD
MINUTES OF PUBLIC MEETING
THURSDAY, JANUARY 26, 2023 @ 7:00PM**

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chair")	Donal Collins, TOC Supervisor ("Supv")
Adrian Ooms ("AO")	Vance Pitkin, Deputy Supervisor
Stephen Day ("SD")	Kent Pratt, Chief Enforcement Office, Bldg Dept
Lee Gagne ("LG")	William Wallace, Architect, rep for, applicants
Melissa Voorhees Rouse ("MR") remotely	David Emil & Jennifer Crichton, applicants
	John Cooley

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Chairman Persing called the meeting to order at 7:04 pm with the Pledge of Allegiance, and established a quorum was present. He then explained the process of a public meeting to the attendees and that the purpose was to review their application to determine if it is complete; and, if so, move to have a public hearing before the next monthly meeting for the public to weigh in. He asked the board members to introduce themselves, and then welcomed Melissa Voorhees Rouse as a new permanent board member having been an alternate member. She replaces Christie Ellis, and we thank her for her service.

Approval of previous meeting minutes: December 8, 2023. Chair asks for motion to accept the minutes; LG moves to accept with one correction on p.2 (change "denied" to "expired"); SD seconds; all in favor; minutes approved with 1 correction.

New Business:

Application for Setback Variances from David Emil & Jennifer Crichton for property located at 119 Bashford Road, Tax ID 34.-1-18 William Wallace, representative for applicants describes project being proposed for 2 additions, bedroom & dining room, on their existing house,, requiring a front yard setback and possibly a side yard setback. Currently, the front variance is 45.7' from the centerline of Bashford Rd. With the 25' additional required from the center of a town road, we would be seeking a 29.3' variance, including the 25'. The bedroom addition would be no closer to the centerline of the road. The side yard setback may be a little more complicated. The addition off the kitchen for the dining room would encroach on what appears as an "abandoned road", Bastien Road, which hasn't been maintained for well over 40 years. The applicants claimed they had spoken with the Supervisor, and until it's officially resolved, we will apply for both front & side yard variances.

Chair - basically, if it hasn't been utilized or maintained, it's up to the town board to file it as an abandoned roadway, based on Highway Law Section 205, which then is filed with the town clerk. It's a simple process; it just has to be done.

Supervisor: it can certainly be on the agenda for the next town board meeting. I haven't heard back from the Town Attorney and would wait for him to weigh in.

Board reviewed the map and the abutter drawing. Chair asked if there were any other questions and explained that the clerk will publish the public hearing on February 13, and the applicant would be responsible for sending out letters to abutters with return receipts and bringing those receipts to the clerk prior to the meeting.

Chair moves that the application is complete and ready for a public hearing to be published as is the procedure. SD seconds; with no further discussion, all vote in favor and motion is carried.

LG moved that this application is a Type II SEQR; SD seconds; with no further discussion, all vote in favor and the motion is carried.

Chair says we will work on finding more information on the abandonment of the road and let them know.

Old Business:

Harmon Heights Road Cell Tower height extension based on emails from neighbor. Kent Pratt describes the meeting he, Jim Quinn and Donal (Supervisor) had with the construction manager for the project at the tower site. The permit was granted in April 2021 and renewed in April 2022 for another year, where it is noted that the height change is now at 149'.

Chair - the change is to be measured from the tower itself (Para 29 on the ZBA SUP Resolution). The discussion will have to be that it exceeds what was granted in the Special Use Permit. They had reached the max height at that time in 2019. The Code of Federal Regulations is clear that the height has to be measured from the tower not from the prior collocation.

KP - in speaking with the construction manager, we learned that there is a cabinet which houses the battery power & computer service. Also, a fiber optic cable is running to the tower which now enhances the 3 providers that are on the tower. Also, the faux branches have reached their maximum height for the service of the antennae; they can't put any more on. It's a sleeve that slides over the pole.

John Cooley, adjoining landowner - We, the neighbors, were not informed there would be an extension; we've been guessing by talking to the workers; a fiber optic cable has been extended through our property through a conduit but has not been hooked up to the tower.

KP - based on the code, it was not substantial to require the Bldg Dept to review. Also, when the ZBA resolution was adopted in 2019 and supposedly filed with the town clerk, the BD wasn't made aware when they issued this permit.

Chair - so the permit is already issued and not closed out yet. If this board makes the determination there has been a violation obviously they have a right to be heard.

KP - I would rely on the response from the Town Attorney on how to proceed.

LG - this is the last extension, correct? They were allowed to go to 149'? SUP said max height was to be 115, then the collocation increased it to 135. SUP stated that was max. And now they are at 149 feet.

Chair - it appears that is the definition of a substantial change by exceeding the height stipulated in the SUP, when measured from the tower, not from the previous collocation.

KP - based on the application and proposal, and not knowing the details in the Resolution of the SUP, that's the way the BD issued the permit.

Chair - we certainly have to explore it further and get the Town Attorney's opinion on this. I know there is wide berth given on these, but looking at the definition I have grave doubts it was properly constructed. And we specifically required the faux branches to be applied; so if they knew they wouldn't be able to attach them on a higher height, that is another substantial violation of the SUP. At the last meeting, we discussed the faux branching, and we discussed the care of the tower.

JCooley - cell towers w faux branching around the country are pretty bad but this is the worst. A spruce is supposed to taper to the top and this with the branching ending much lower, all metal surfaces that reflect the sunlight, give it a very industrial look going against our rural values. I think we need to do a better job of putting their feet to the fire to provide better camouflage including applying some material to block the sunlight reflection.

Chair - I think the next step is to bring this to the Town Attorney.

KP - construction manager brought up the 911 capacity and first responder issue that only first responders would get service if there was a power outage.

Chair - speaking to John Cooley, his emails can be the initiation as an aggrieved person to examine this further. It doesn't require a vote at this point.

Other board members agreed the next step is to seek the Town Attorney's comments as to how to proceed. LG summarized that they have exceeded the SUP but the Federal Law allows them to do whatever they wish if it's a non-substantial change; but if it's a substantial change, we have the right to question it.

Chair reads para 43 of the SUP Resolution approved March 28, 2019, clearly determining they have violated the SUP:

"43. Additionally, pursuant to the federal regulations, a request to a modification to an eligible facility will not substantially change the physical dimensions of the existing facility provided it does not exceed twenty feet of the original tower height. In this instance, the original tower height is measured at 115 feet, with its highest point at 120 feet. The additional antenna to be installed on top of the tower measures 20 feet. Once installed, the overall tower height will be 135 feet. Based on the current federal regulations, this is the maximum height in which the tower may be extended under the MCTRA (Middle Class Tax Relief & Job Creation Act) and the Spectrum Act in which the application must be approved. If any subsequent application were to request other extensions that would extend the height beyond 135 feet, such application would not qualify as request to a modification to an eligible facility for an insubstantial change to the dimensions of the existing tower under federal regulation, and hence, would be subject to review under the Town of Chatham Zoning Law and approval would be discretionary based on the Zoning Law and not guaranteed."

They didn't have to come to us for the extension the last time. But they exercised what they called "the good neighbor policy". They chose the forum and then must abide by the decision of that forum. I'm hopeful the Town Attorney will agree. It could be something that becomes litigious, but I think we should proceed.

KP - in order to close the permit, we would give them a Certificate of Compliance. Until it's resolved, it's 'under review' and remains open, and subject to being revoked.

Chair asks what would be the consequences of it being revoked?

KP - it would be up to the Town Attorney.

Other Business:

Review of inquiry received from a neighbor of 2628 Cty Rte 9, New Concord, re a proposed septic location. Neighbor made a call to the Clerk asking about the property next to her mother's property, who is deceased, and neighbors had suggested she call to find out the status of the project. The clerk reviewed the application from 2013 and replied to the person that the application for building permit and septic was approved but expired in 2015, nothing having been started. At this point, any further work would have to go through the process again for building permit and be approved for any variances, if necessary, at which time a public hearing would allow the public to speak. The neighbor still asked what could be done. A lengthy discussion ensued as the board reviewed the file from 2013 and a further response will be sent that confirms this. Also, Kent offered that the Bldg Dept enforcement officers will make site visits if it would help.

Next Meeting Date: Thursday, February 23, 2023

Adjournment SD moves to adjourn; AO seconds; all in favor; meeting concludes at 8:32PM

Dated 1/26/2023
Respectfully Submitted
P Fallon, Zoning Board Clerk

**TONIGHT'S ZONING BOARD
MEETING HAS BEEN CANCELLED
DUE TO THERE NOT BEING A
QUORUM OF MEMBERS IN
ATTENDANCE**

**APPLICATIONS WILL BE
POSTPONED TO THE MARCH 23
MEETING**

**WE APOLOGIZE FOR ANY
INCONVENIENCE**

2/23/23

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
NOTICE OF PUBLIC MEETING w PUBLIC HEARING
THURSDAY, March 23, 2023
AGENDA

PLEASE TAKE NOTICE that the Zoning Board of the Town of Chatham has scheduled a meeting on Thursday, March 23, 2023 at 7:00 PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, with the option for the public to join by google meet as follows: meet.google.com/knc-cxrj-xit or by phone (US)+1 662-450-4329 PIN: 526 031 750#. Application materials are available in the Town Office on Mondays & Thursdays, 9:30-3:30.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's meeting, January 26, 2023 (FEBRUARY MEETING CANCELLED)

Communications: Letters of support from neighbors of Emil/Crichton

PUBLIC HEARING:

Application for Setback Variances from David Emil & Jennifer Crichton for property located at 119 Bashford Road, Tax ID 34.-1-18

New Business

Application for Fence Variance from Corey Schaeffgen for property located at 6 Crestview Drive, Tax ID 24.-1-1-220

Application for setback variances from Mary Jo Hamilton-Schmaedick, 106 Hamilton Point, Kinderhook Lake, Tax ID 24.9-1-62.100

Old Business:

Harmon Heights Road Cell Tower height extension.

Other Business:

Next Meeting Date: Thursday, April 27, 2023

Adjournment

Dated 3/13/2023
Zoning Board Clerk

PUBLIC HEARING NOTICE
TOWN OF CHATHAM ZONING BOARD

PLEASE TAKE NOTICE the Zoning Board of the Town of Chatham has scheduled a Public Hearing on **Thurs, Mar 23, 2023, 7PM** at the Town Hall, 488 State Route 295, Chatham, NY, to review an Application for a Front Yard Variance from David Emil & Jennifer Crichton for property at 119 Bashford Rd, 34.-1-18. This is an in-person meeting where the public can join in person or with Google Meet: meet.google.com/knc-cxrj-xit or by phone (US)+1 662-450-4329 PIN: 526 031 750#. Copies of the application materials are available for public review at theTown Hall, M&Th 9AM-3PM. (Dated 2/27/23)

TOWN OF CHATHAM ZONING BOARD
MINUTES OF PUBLIC MEETING with PUBLIC HEARING
THURSDAY, MARCH 23, 2023 @ 7:00PM

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chair")	Donal Collins, TOC Supervisor ("Supv")
Adrian Ooms ("AO")	Vance Pitkin, Deputy Supervisor
Stephen Day ("SD")	Kent Pratt, Chief Enforcement Office, Bldg Dept
Lee Gagne ("LG") remotely	William Wallace, Architect, rep for applicants remotely
Melissa Voorhees Rouse ("MR")	David Emil & Jennifer Crichton, applicants
	Jeff Pinkowski, contractor, rep for applicants
	Corey Schaeffen, applicant

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Chairman Persing called the meeting to order at 7:01 pm with the Pledge of Allegiance, asked the board members to introduce themselves and established a quorum was present. He then explained the process of a public meeting to the attendees and that the purpose was to review their application to determine if it is complete; and, if so, move to have a public hearing before the next monthly meeting for the public to weigh in.

Communications: Letters of support from neighbors of Emil/Crichton

PUBLIC HEARING:

Application for Setback Variance from David Emil & Jennifer Crichton for property located at 119 Bashford Road, Tax ID 34.-1-18 Chairman opened the public hearing at 7:03pm and asked Bill Wallace, who participated remotely by video, to describe the proposed application for remodeling the house requiring a front setback variance only, as the side setback had been rendered moot now that the Town Board had signed a resolution that Bastien road on their property was officially abandoned. The variance requested is 29.3 feet including the extra 25 feet from the center of the town road. They have designed the renovation to be no closer to the centerline of the road than the existing house.

Chairman asked if anyone else from the public wished to be heard on this application. He then asked for confirmation of those neighbors who wrote letters of support and 3 who requested copies of the application but were fine with it. Chairman asked for recitation of the published public hearing from the clerk who did so.

SD moved to close the public hearing; AO seconded; no further discussion; all in favor, motion passed to conclude the public hearing at 7:10PM.

Chairperson explains that there are 5 questions to be answered when considering a variance: answers to which individually doesn't mean – it's a compendium of answers to all the questions and that it is in line with the comprehensive plan that they are followed and not haphazardly granted one way or the other.

1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties. It is in keeping with the other properties in the neighborhood and not visible from nearby properties.
2. whether the requested area variance is substantial, a 29.3' variance. SD said statistically it may be but it isn't a significant change in the existing structure relative to the dimensions that are pertinent. Chairman doesn't disagree as there is already an existing non-conforming variance.
3. whether the variance creates an undesirable change to the character to the neighborhood or detriment to nearby properties. In fact, neighbors' response has been favorable.
4. are there any other means or methods feasible other than granting a variance? Bill Wallace said they looked at the existing residence to the west which has a small bedroom which we couldn't change. Otherwise it wouldn't work with the flow of the use of the house. Chairperson acknowledged other options were explored. With that explanation it doesn't seem to be able to find any other means of doing this change that would make sense.
5. whether the difficulty was self created. Chairman states It is rare when a variance is needed that is not self created. This is routinely answered yes.

SD concurred with the caveat that not to do the project as designed would mean they don't get what you need or want. Chairperson explains that there are times when members of the public come before the board to protest it is not conforming to the neighborhood, but it has not been the case with this application.

SD moves to grant the 29.3 foot variance for the addition to be built at 119 Bashford Rd, tax id #34.-1-18. AO seconds; no further discussion; all in favor; variance granted.

In addition, the original application included a variance for the side yard because of the Bastien Road appearing on the tax maps. The Town Board reviewed the matter and a resolution was signed and filed 2/16/23 with the Town Clerk to abandon the road. This will need to be conveyed with an updated deed to the county clerk for tax assessment purposes.

Mr. Wallace thanks the board. Chairman explains a resolution will be signed and filed with the approved minutes of this meeting with the town clerk.

New Business

Application for Fence Variance from Corey Schaeffen for property located at 6 Crestview Drive, Tax ID 24.-1-1-220 Corey Schaeffen described his proposal for a split rail fence around the perimeter of his property of 3.45 acres for his pets fronting on Rte 203 and side property on Crestview Drive. He has been told the requirements are 50 feet plus 25 feet from the center of a town road (Crestview) and 50 feet from the center of a State road (Rte 203). He presented a map and letter from John Riley of the DOT that 25 feet is what is required from the DOT. He is therefore requesting a variance of 25 feet on Rte 203 and a variance of 50 feet on Crestview Dr in order to place his fence at 25 feet from the center of each road. If he were to put a fence at the required setbacks, it would be at the place he parks the cars in the driveway (on side) and near his front door (at front). According to those setback requirements he would have to remove some cherry trees. Chairman explained that the

town has different requirements and needs to conform to the current zoning ordinance and comprehensive plan.

There is a discussion about his application being for one or two variances. If one is approved and not the other, it might make both untenable. The applicant would essentially be asking for a variance of 25 feet from the state road (Rte. 203) and 50 feet from the town road (Crestview).

The sketch of the proposed fence is not clear to the board. After lengthy discussion about the height of fence and height of the berm on his property on the Rte 203 side, SD suggested they would need more accurate description of the proposed fence and more visual information such as a rendering showing an overlay of the fence on photographs or drawings of his property including the berm. Also photos of similar neighboring fences would be helpful in light of the criteria "does it create a substantial change to the neighborhood?"

Chairman explained they were trying to make sure the application was as complete as possible before it goes to a public hearing to give the public will understand as much information as possible.

Chairman asked that he indicate on the drawing the location of the septic on his property. SD described the board would review the application in light of the 5 criteria (as noted in application previous). The variance is significant. Chairman explained they are not here to fight you but to ensure the zoning laws & comprehensive plan of our town is met. The applicant agreed to provide more visual information for the record before the next meeting, at which time a public hearing would be scheduled.

Application for setback variances from Betty Jo Hamilton-Schmaedick, 106 Hamilton Point, Kinderhook Lake, Tax ID 24.9-1-62.100 Jeff Pinkowski, contractor and representative for applicants, describes the one-story addition on the east side of the cape-style house with a new ADA compliant bathroom that requires a setback variance for the southeast corner, creating a distance of only 3.2 feet to the side property line. The variance requested therefore from the 25 foot required setback is 21.08 feet. The other dimension of 13.7 on the southwest corner is pre-existing from the original structure. Jeff Pinkowski built this house approximately 17 years ago on a footprint of the original house. At the time, there was no zoning law in place. This addition will be one story with a hip roof so as not to impinge on the 2nd floor window on the existing house. This addition will not have a foundation but will have steel pillars under it and allow for cars underneath.

LG when we have multiple setback requests for variances on an application, we focus on the smallest one?

Chairperson, no, if there is a non-conforming setback; i.e., in other words if pre-existing or granted by a PB when the original project was done and there is no change to that, we will only review the new variance request.

With further deliberation on the exact measurements and single setback of 21.08 feet on the south east corner being requested and corrections to the application, Chairman moves that the application is complete with the corrections on the application form. SD seconds; no further discussion; all in favor; motion to deem application complete is unanimously carried.

Chairman moves to deem this as a type II action regarding SEQR; SD seconds, no further discussion; all in favor; motion carries to deem it a type II SEQR action.

Chairman explains that notice of a public hearing will be published to be held at the next meeting, Thursday, April 27, and notification letters need to be sent from the applicant to abutters before the next meeting with receipts being presented to the clerk for the record.

Approval of previous meeting minutes: January 26, 2023 (NO MEETING IN FEBRUARY). Chair asks for 1 change on the minutes at 'next meeting date' to show Feb 23, 2023. He then moves to accept the minutes; SD seconds, all in favor; minutes approved with 1 correction.

Old Business:

Harmon Heights Road Cell Tower height extension. Kent Pratt explains that several attempts have been made to reach the people in charge at Ameritower and Cell Trees who installed the last faux branching, including phone calls, emails and certified letter, with no response to this point. In fact, he has heard he will get 2 new applications for the same tower, one from Verizon and another for a different tower near the thruway from an unknown (T-Mobile???) for a new colocation ????. We can update the timeline to include what has transpired since the last month. The Town Attorney has put in writing that we should issue the certificate of completion for their last application. But we haven't done so yet. Chairman said he will take it up with the town attorney.

SD asks if a permit for the State Trooper barracks has expired. Kent replies a permit was never issued; they have been doing some site work but nothing formal yet.

Other Business:

Chairman said he has discussed with the town attorney the use of personal email for correspondence about town business, and it was recommended that we use only the town zoning board email address. This may require multiple people sharing it which the Supervisor said he would look into perhaps creating a subset of emails for board members. Town Board members all have town emails.

Next Meeting Date: Thursday, April 27, 2023

Adjournment

SD moves to adjourn the meeting; AO seconds; all in favor; meeting adjourned at 8:38pm.

Dated 3/30/23
Respectfully Submitted
P Fallon, Zoning Board Clerk

ZONING BOARD

MEETING ATTENDANCE SIGN-IN

Date: **THURS., MAR 23, 2023**

Please print your name and address clearly for official Public Records.

Jeff Pinkowski

Kindenbrook

Kent Pratt

T/O CHATHAM BUILDING DEPT

Corey Schaefer

Chatham

Jennifer Crichton

+ David Emil

Chatham Ctr

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
NOTICE OF PUBLIC MEETING w PUBLIC HEARING
THURSDAY, April 27, 2023
AGENDA

PLEASE TAKE NOTICE that the Zoning Board of the Town of Chatham has scheduled a public meeting with public hearing on Thursday, April 27, 2023 at 7:00 PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, with the option for the public to join by google meet as follows: meet.google.com/qrk-gvbwg-qng Edit or by calling (US)+1 650-966-6547 PIN: 421 967 195#. Application materials are available in the Town Office on Mondays & Thursdays, 9:30-3:30.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's meeting, March 23, 2023

Communications:

PUBLIC HEARING:

Application for setback variance from Betty Jo Hamilton-Schmaedick, 106 Hamilton Point, Kinderhook Lake, Tax ID 24.9-1-62.100

NEW BUSINESS

Application for setback variance from Peter & Minerva Campbell, 1056 Albany Turnpike, Tax ID 15.4-1-23

Application for setback variance from Jennifer & Jason Dubray, 61 Eberle Rd., Tax ID 14.17-1-16

OLD BUSINESS:

Application Part II for Fence Variance from Corey Schaeffgen for property located at 6 Crestview Drive, Tax ID 24.-1-1-220

Harmon Heights Road Cell Tower. Update on Building and Zoning correspondence with Brigitte Spillane, an attorney at American Tower in Woburn, MA, regarding faux branching for the height extension. She contacted the project manager who handles their relationship with T-Mobile asking them to either provide plans that it is being fixed or schedule something as soon as possible. April 13 T-Mobile advised Building they are aware of the issue and will send someone to the site to see what needs to be done and will provide a report thereafter.

Other Business:

Next Meeting Date: Thursday, May 25, 2023

Adjournment

Dated 4/17/2023
Zoning Board Clerk

PUBLIC HEARING NOTICE
TOWN OF CHATHAM ZONING BOARD

PLEASE TAKE NOTICE the Zoning Board of the Town of Chatham has scheduled a Public Hearing on Thursday, April 27, 2023 at 7PM at the Town Hall, 488 State Route 295, Chatham, NY, to review an Application for a Side Yard Setback Variance from Betty Jo Hamilton-Schmaedick, 106 Hamilton Point, Kinderhook Lake, Tax ID 24.9-1-62.100. This is an in-person meeting where the public can join in person or with Google Meet meet.google.com/qrk-gvwg-qng or by telephone (US)+1 650-966-6547 PIN: 421 967 195#. Copies of the application materials are available for public review at the Town Hall, M&Th 9AM-3PM. Dated 4/17/23

TOWN OF CHATHAM ZONING BOARD
MINUTES OF PUBLIC MEETING with PUBLIC HEARING
THURSDAY, APRIL 27, 2023 @ 7:00PM

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chair")	Donal Collins, TOC Supervisor ("Supv")
Adrian Ooms ("AO")	Vance Pitkin, Deputy Supervisor
Stephen Day ("SD") REMOTELY	Jeff Pinkowski, contractor, rep for applicants
Lee Gagne ("LG")	Betty Jo Hamilton-Schmaedick, applicant, remotely
Melissa Voorhees Rouse ("MR") REMOTELY	Jerry Byer, contractor
	Minerva & Peter Campbell, applicants
	Mike Cottini, contractor
	Jen & Jason Dubray, applicants
	Corey Schaefgen, applicant

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Chairman Persing called the meeting to order at 7:08 pm with the Pledge of Allegiance, asked the board members to introduce themselves and established a quorum was present with two members participating remotely. He then explained the process of a public meeting to the attendees and that the purpose was to review their application to determine if it is complete; and, if so, move to have a public hearing at the next monthly meeting for the public to weigh in. During the public hearing of the meeting, the public is welcome to speak.

PUBLIC HEARING: Chairman opens public hearing at 7:12PM and invites Jeff Pinkowski, applicant's contractor, to approach and explain the project.

Application for setback variances from Betty Jo Hamilton-Schmaedick, 106 Hamilton Point, Kinderhook Lake, Tax ID 24.9-1-62.100 Jeff Pinkowski, contractor and representative for applicants, describes the one-story addition on the east side of the cape-style house with a new ADA compliant bathroom that creates a distance of only 3.2 feet to the side property line, therefore requiring a setback variance for the southeast corner from the 25 foot required setback is 21.08 feet. Applicant, Betty-Jo Hamilton speaks from remote phone connection that the project is to accommodate her husband who is quite ill and requires these changes.

Chairman asks if there was any other means to site this to avoid this variance? Jeff Pinkowski says it was the only option available given the circumstances of what the owners need and the constrictions from the lot size. Betty-Jo Hamilton states that the mechanical lift her husband needs would only work from the ground level to the second level requiring the bath and bedroom to be moved. LG adds it is a challenge in that area to make changes. Chairperson asks if any further comments from the public.

There being none, LG moves to close the public hearing for this application, AO seconds, no discussion, all in favor, motion passes to close the public hearing at 7:21pm and reopens the public meeting.

Chairman launches into the questions to be considered:

1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties. Chairperson says it doesn't appear to create an undesirable change. It is in keeping with the other properties in the neighborhood.
2. whether the requested area variance is substantial, a 21.8 feet variance. It is indeed substantial..
3. are there any other means or methods feasible other than granting a variance? It doesn't appear the planned changes will change the appearance of the house or the neighborhood. SD agrees that it doesn't appear to create an environmental impact on the neighborhood.
4. whether the difficulty was self created. Chairman states it is rare when a variance is needed that is not self created. This is routinely answered yes.

All members agree on the answers. Chairman moves that the variance of 21.8 feet requested be granted. LG seconded, all in favor, motion is carried to grant the variance. Betty Jo Hamilton thanks the board on behalf of her husband and herself. Chairman explains to Jeff Pinkowski that a resolution will be filed with the town clerk and the building department for him to proceed with his building permit.

NEW BUSINESS

Application for setback variance from Peter & Minerva Campbell, 1056 Albany Turnpike, Tax ID 15.4-1-23 Applicants, Minerva & Peter Campbell describe proposed plan to build new garage where old garage had been on concrete slab which will be removed. Will have a shed roof on side toward the interior of their yard. SD asks if this is going to be a 2-story structure. Applicant confirms there will be an attic space for exercise and music practice. SD goes on to say that zoning code stipulates that 2-story garages can possibly be used for residential purpose, and applicant says this is not the case. LG asks if construction will be with attic trusses? Applicant's contractor says yes. LG says that tells him there won't be able to be residential use. Neighbor's shed is farther to the rear of their property, not as shown on the photo. Chairperson asked applicants to review the SEAF to answer questions left blank, #5a & 5b. Applicants answered yes to both questions. Chairperson explains that the environmental form doesn't trigger SEQR with a variance. Applicant's contractor provides construction sketches and floor plan not previously submitted to be added to the application. Board members review and have no further questions. Chairman moves to deem the application complete. LG moves to deem the application for a 12' variance for the Campbell property, 1056 Albany Tpke, as complete. No further discussion, all in favor, motion carried. Chairperson moves this as a Type II SEQR and does not require further action of the board with regard to the environmental assessment, LG seconds, no further discussion, all in favor, motion carried by majority of board members. A public hearing will be published in advance of the next meeting, May 25, 2023. A sample letter and list of property abutters will be provided by the clerk to be sent at least 1 days prior to the meeting. Please bring receipts before the next meeting.

Application for setback variance from Jennifer & Jason Dubray, 61 Eberle Rd., Tax ID 14.17-1-16 The applicants and their contractor, Mike Cottini, approach to describe the project. Jennifer Dubray describes the project to build a 2nd story cover over the existing patio which was built prior to applying for the building permit due to their ignorance of the code that requires a permit. We now determine that we need a variance of 30'. We own 3 parcels, two on one side of Eberle Rd., a dead end

road, the other across the road with a 2-car garage which is only about 5' off the road (preexisting). Mike Cottini describes the sketch. The lots are not very big to begin with, even the 3 lots are not .5 acre. Chairperson explains that the cover above the patio now is considered a structure. Chairman asks that blanks on the Zoning application that should be filled in, p. 2, to answer the criteria questions, 1-5, and on p. 3 as "N/A". No further discussion, Chairman makes motion to deem the application for the variance as complete, LG seconded, all in favor, motion carried. Chairman further moves to deem the application as a Type II SEQR not requiring any further action of the board with regard to the environmental assessment, no further discussion, all in favor, motion carried. Clerk will publish a public hearing on this application to be heard on May 25, 2023. Abutter list with a sample letter will be provided to the applicant to be mailed 10 days prior to hearing, with receipts to be provided to the clerk.

OLD BUSINESS:

Application Part II for Fence Variance from Corey Schaefer for property located at 6 Crestview Drive, Tax ID 24.-1-1-220 Applicant seeking variances for fence on their property of 3.45 acres of 50 feet on both the state route 203 side center (front of house) and another 50 feet on the side Crestview Drive. I've now provided renderings which I believe don't show any safety impediments on that corner. I've also provided photos of fences in the area very close to the road. We believe it will enhance the property as well as give us the enclosure we are seeking for our pets and children. Chairman points out that some of the photos were of properties not in the Town. LG asks about a proposal to add stone pillars on the Crestview side at the driveway for a fence that would hinge on them. LG asks about drainage ditch behind the driveway. Applicant explains the fence line would lower out of sight as it goes into back yard. Photos & renderings were shared on the screen with the board members and remote participants. SD points out the need for actual location of the fence relative to the roadways, based on idea of a building inspector being able to confirm fence will go in approved location. LG asking for variance of 25' from center of the road. His variance is the dimension. Your front stone wall piece gives me pause because it is a structure which in another application was what caused the problem. This structure almost becomes a second entity. Chairperson says if we grant variance for the fence we are also granting the stone pillars which are both being requested. LG asking for dimension of the pillars and would want that verbiage included in the application. We will amend the application verbally now so that your application will include the change. Applicant says pillars on Crestview side at driveway will be 36 x 36 no higher than 7 feet to get us to the public hearing. I will create another rendering. and include the break on the front fence to allow for trailer to get to barn. Chairman reviews blanks on SEAF. LG moves that application for variance has been amended adding pillars and answers on the SEAF, and is deemed complete provided updated renderings to show pillars proposed, LG seconded, all in favor, motion complete. Clerk will publish public hearing to occur May 25, 2023, and provide abutter list with sample notification letter and receipts returned to clerk before the meeting.

Old Business:

Harmon Heights Road Cell Tower height extension. Kent Pratt in the building department received confirmation from North East Site Solutions that they are planning to install 'socks' over the antenna boxes. Chairman says they should provide photos and descriptions. Supervisor says we need to have the monopine profile to appease the neighbors. Chairperson says we need to keep up with these alterations. Option would be to approach the Cell Trees company to install faux branching. Supv said Kent is still holding the grant of permit until they produce the satisfactory alterations.

SD asks to be excused from the meeting at this point.

Approval of previous meeting minutes for March 23, 2023:

Regarding the application for side variance vs front variance at Bashford Rd by Emil/Crichton, it seems the road frontage was originally on Bastien Road, now abandoned, which was deemed the front variance in the application, and the side of the house requiring a variance is on the Bashford Rd side, so minutes should remain listing the approved variance as a side variance along Bashford. Review of a couple of other alterations to the minutes were reviewed. Chairman then moves to accept the minutes with agreed changes on p. 1, and the applicant's name corrected. He then moves to accept the minutes with 2 changes as noted; LG seconds, all in favor; minutes approved.

Next Meeting Date: Thursday, May 25, 2023 w/3 public hearings

Adjournment

LG moves to close the meeting, Chairperson seconds, all in favor, meeting adjourned at 8:50pm.

Dated 5/5/23

Respectfully Submitted

P Fallon, Zoning Board Clerk

ZONING BOARD

MEETING ATTENDANCE SIGN-IN

Date: **Thurs, 4/27/2023**

Please print your name and address clearly for official Public Records.

Minerva + Peter Campbell

VANCE PITKIN 111 WHITEBRIDGE RD O.C

JEFF PINKOWSKI 14641 E. N.W.

Jen Dubray 601 Eberle Rd.

Jason Dubray 601 Eberle Rd

Mike Cottini 701 Eberle Road

Jeff Byler 84 Garage Place Rd

Myra 6 Crissman Dr.

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
NOTICE OF PUBLIC MEETING w PUBLIC HEARINGS
THURSDAY, May 25, 2023, 7PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a public meeting with public hearings on Thursday, May 25, 2023 at 7PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, with the option for the public to join by google meet as follows: meet.google.com/psn-jhvq-bqi or by phone: 401-830-3334 PIN: 787 172 920#. Application materials are available in the Town Office on Mondays & Thursdays, 9:30-3:30.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's meeting, April 27, 2023

Communications:

PUBLIC HEARING #1:

Application for setback variance from Peter & Minerva Campbell, 1056 Albany Turnpike, Tax ID 15.4-1-23

PUBLIC HEARING #2:

Application for setback variance from Jennifer & Jason Dubray, 61 Eberle Rd., Tax ID 14.17-1-16

PUBLIC HEARING #3:

Application Part II for Fence Variance from Corey Schaefgen for property located at 6 Crestview Drive, Tax ID 24.-1-1-220

Other Business:

Next Meeting Date: Thursday, June 22, 2023

Adjournment

Dated 5/15/2023
Zoning Board Clerk

PUBLIC HEARING NOTICE
TOWN OF CHATHAM ZONING BOARD

PLEASE TAKE NOTICE the Town of Chatham Zoning Board has scheduled Public Hearings on Thurs, May 25, 2023, 7PM at the Town Hall, 488 State Rte 295, Chatham, NY, to review a Applications for Variances from Peter & Minerva Campbell, 1056 Albany Tpke, Tax ID 15.4-1-23; from Jennifer & Jason Dubray, 61 Eberle Rd., Tax ID 14.17-1-16; and from Corey Schaeffen, 6 Crestview Dr, Tax ID 24.-1-1-220. This is an in-person meeting where the public can join in person or with Google Meet meet.google.com/psn-jhvf-qbi or by phone: 401-830-3334 PIN: 787 172 920#. Copies of the application materials are available for public review at the Town Hall, M&Th 9AM-3PM. Dated 5/15/23

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING *w PUBLIC HEARINGS*
THURSDAY, May 25, 2023, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman")	Minerva Campbell, applicant
Adrian Ooms ("AO")	Jerrold Byler,, Campbell contractor
Stephen Day ("SD")	Jen & Jason Dubray, applicants
Lee Gagne ("LG")	Jeff Antalek, Town Highway Superintendent (HSupt)
Melissa Voorhees Rouse ("MR") REMOTELY	Corey Schaeffen, applicant
	Members of the Public:
	Linda Murawski
	Liz Smith
	Andrew Stanley & Annemarie Hallenbeck
	Lindy Losowski

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Chairman called the meeting to order at 7:02pm with the pledge of allegiance, introduced the board members and stated a quorum was present.

PUBLIC HEARING #1:

Application for setback variance from Peter & Minerva Campbell, 1056 Albany Turnpike, Tax ID 15.4-1-23

Chair opens the public hearing at 7:04PM, and describes the process for the public hearings. Minerva Campbell gives a brief recap of the proposed project for a 2-car garage with loft 13 feet from neighbor's property line on an old garage foundation. Placing it any further away from the property line would put it too close to their septic. They are therefore seeking a 12 foot variance from the required 25 foot setback. Chair mentioned there had been one email from an abutter who had no negative comment for the placement of the garage. Chair asked if there was any comment from the public. There being none, he moved to close the public hearing, AO seconded the motion, no further discussion, all members voted in favor, public hearing closed at 7:10pm and moved into the public meeting for the board members.

Chairman then described the five questions the board must review for this and each ensuing application:

1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties. SD said there is no evidence of that. LG said no because it's going on a partial remaining foundation, it doesn't create a change.
2. are there any other means or methods feasible other than granting a variance? Chairman doesn't see any other placement that would work, especially with proximity to the septic. SD concurs because it is going where a previous garage had stood.

3. whether the requested area variance is substantial, a 12 foot variance. LG said yes, at 12 feet, it's nearly 50% of the required setback. Chairman explains these 5 questions are factors that go into the board's decision, not any one of them controls the decision.
4. whether the variance creates an undesirable change to the character to the neighborhood or detriment to nearby properties. Chairman doesn't believe it will.
5. whether the difficulty was self created. Chairman states it is generally the case when a variance is needed it is self-created; this is routinely answered yes.

Chairman asks for further discussion. There being none, he moves that the application be granted for a 12 foot variance on property at 1056 Albany Turnpike, Tax ID 15.4-1-23, LG seconded, no further discussion, all vote in favor, motion passes that variance is granted. Chairman explains a resolution of the approval of the variance will be filed with the town clerk with the approved minutes from tonight's meeting and will run with the property with next owners. They should now proceed with obtaining the building permit from the Building Dept.

PUBLIC HEARING #2:

Application for setback variance from Jennifer & Jason Dubray, 61 Eberle Rd., Tax ID

14.17-1-16 Chairman opens public hearing at 7:21pm and invites applicants to recap the project for the members. Jennifer Dubray describes the project already underway to put a porch on the second floor to cover the concrete patio not realizing it didn't meet the required setback of 50 feet from the town road. They are requesting a variance of 30 feet from the town road. Chairman asks for any further comments from the public. There being none, LG moves to close the public hearing, Chairman seconds, all vote in favor, motion to close the public hearing at 7:25pm. Chairman proceeds to review the 5 criteria as in the previous application:

1. answer determined to be none;
2. benefit can't be achieved by another method;
3. variance is substantial, 40% of the required setback, except considering the density of the homes in the area; there is no encroachment on other buildings
4. will it create an undesirable change to the neighborhood, none
5. self-created - yes

LG moves that the application for a 30 foot area variance for property at 61 Eberle Rd, Tax ID 14.17-1-16 be granted, Chairman seconded, no further discussion, all vote in favor, motion to grant the variance is granted. Chairman repeats the process that a resolution will be filed with the approved minutes of tonight's meeting with the Town Clerk, and they are able to move forward with a building permit from the Building Dept.

PUBLIC HEARING #3:

Application Part III for Fence Variance from Corey Schaeffgen for property located at 6

Crestview Drive, Tax ID 24.-1-1-220 At 7:35, applicant not in attendance without any indication he will participate virtually. Public hearing notice was published in Register Star and his neighbor notification letters indicated the date and time of the hearing, for which several members of the public are present at tonight's meeting. Discussion of whether to move forward with the public hearing if the applicant is not present to hear the public comments and answer their concerns. (At 7:34pm the clerk sent the applicant an email and text asking if he will be in attendance. He replied at 7:40 he was on his way.) After further discussion, the Chairman opened the public hearing at 7:41pm and invited the public to speak. Jeff Antelek, Highway Superintendent, 100 Sullivan Rd., states his concerns are sight distance pulling out from Crestview to Rte 203. I should have been invited to the board's site visit. I had heard about this application months ago, and one of the applicant's neighbors informed me about it. Chairman said the board wasn't required to contact him. HSupt continued that whenever there is a junction of a state and a town road, it is the higher authority who controls it, so someone should have contacted the state (DOT) about this. LG said they had a letter from DOT stating a fence could be placed 25 feet from the center of Rte 203. Jeff Antelek continued that applicant has a ridge on Rte 203 which would raise the height of the 6 foot proposed fence, and the previous owner had let grass grow, further impeding sight. There are laws about the plantings that are allowed. The trees he has now may be a

problem in 20 years. And while a car would be beyond the line of the proposed fence, the plows have a 10 foot extension putting it back farther from the edge of the road. He summarized by repeating that his concern is the sight distance and the trees on the corner of Crestview potentially posing a problem over time.

7:55pm Corey Schaefgen, applicant, arrives. Chairman explains some public comments have been made from the HSupt with concern about sight distance. Applicant explains he plans to put the fence between the trees and the road, at 25 feet from the center of Rte 203. LG asks if he would keep it further from 203 and closer to his trees. Applicant says yes. He explains he has animals and wants to get more chickens, as it is an AG property. The fence behind the property and at the side, near the trees, will be a chain link and an open fence along 203 & Crestview with the gate rendering on Crestview's existing driveway and will round the corner of the fence going on to 203. SD asks how the fence will not obstruct the view turning on to 203. Applicant says one of the renderings which is to scale, shows a car, and states the dimensions of the corner will probably be in two sections of 16' each to continue with the contours of the landscaping. Chairman asks for the actual distance to the center of Crestview. Applicant says it will be closer to 34-37 feet from the center of Crestview. 25 feet would put him in the center of the culvert, so it will actually be further.

Chairman asks members of the public for any comment. Linda Murawaski, 33 Ridgeview Dr., is concerned that the intersection is the only outlet for Crestview & Ridgeview homeowners to Rte 203. Also the speed limit changes on 203 at the applicant's barn to 55 mph and people accelerate at that point. Applicant says the speed limit is concerning for him as well, but he doesn't believe the fence will impede the sight line. Chairman describes the fence when viewed straight on, it appears as a solid structure. SD asks to review the video he took pulling out from that corner. LG says at the stop sign, it is actually 13 feet from the center of road, and 12 feet to the grass line. SD says the proposed position of the fence is irrelevant to the existing berm along 203. Applicant says he has had lengthy discussions with John Riley of NYS DOT who has no problem with the proposed placement of the fence.

Chairman asks the HSupt to put something in writing to the board who says he will contact the DOT himself. Applicant says he has been trying to get this approved for 4 months. I am hoping to build a fence for my dogs on the 3+ acres I have. HSupt says he already mentioned that he should have been consulted before this but hadn't gone out there himself. The neighbors were given public notice, but I wasn't. Chairman repeats the board is not required to give him notice.

Liz Smith, 156 Crestview Drive, comes forward to speak again about the sight distance. Trees were removed in the past by the state and never finished the job of smoothing the berm. Previous owners let the grass grow which further impedes sight. She has called the state in the past to mow the knoll which they did. Applicant says he has trimmed it. She is not sure a fence will make it worse but says the berm is the problem. She is not so much concerned about the fence as she is about the berm and grass growing on it. Chairman says he understands her concern but the fence is not going near the berm.

Andrew Stanley, 11 Ridgeview Drive, also has concerns about the visual aspects. The knoll has always been a problem. If the stop sign line is at 30' and the driver will be an additional 5' behind that, your fence will be 35 feet. Discussion ensued about curvature of the fence along the corner. He also asked about the type of animals that would be kept because chickens would be able to get through an open fence. Applicant said his dogs are livestock guard dogs and also he has farmed enough to know about all the issues of containing animals.

Chairman states a letter received from Sean Dwyer & Amy Cody of 26 Crestview Drive who were not able to attend the meeting but they don't have issue with the fence as it is proposed but want to know about placement on property line on rear boundary line contiguous with their property and will applicant have to clear trees to do that. Applicant says he will have to remove some trees, but it will be on his side of the back property line, at approximately 5 feet in. HSupt asks if he has plans to remove

the berm at least for his own visual and safety. Applicant says no. HSupt says he would like to measure 25 feet off 203 and put a few temporary stakes and look at it to give his recommendation, with his permission, it's your choice. Applicant says he would rather he not. HSupt said alternatively he would do a visual inspection.

Chairman says the public hearing should be kept open to allow the HSupt to make an inspection and present his findings at the next meeting. If satisfied at that time, the public hearing can be closed and the board can vote on the application. I think the safety issues are a concern and need to be addressed. The public is welcome to attend that meeting and speak. He therefore moved that we keep the public hearing open for the next meeting, scheduled for June 22, 7pm, and continue the public hearing, with intention of moving to vote, but no guarantees. SD seconds, and says the health & safety of the public is a concern. LG understands the concerns but also feels for the applicant who has gone through the standard process and beyond. Chairman doesn't disagree about the protraction of this application but it is the board's burden to examine all aspects and leave no stone unturned concerning the public's safety. He apologizes to the applicant that it will be another 4 weeks and can't say how they will vote on it because the board does not discuss these applications among themselves. MR says she will go out there again herself to look as she is not sure how she would vote right now and needs more information. SD suggests the applicant might want to put a few stakes with orange tape to give the board better visualization and this might take the ambiguity out of it. Applicant asks if the board would trust his measurement of 25' with stakes in the ground? SD says anything that would work in his favor. The board is trying to aid you in representing what you want to do. HSupt says to the applicant that he hates making him wait another month and repeated that if he had been advised earlier, he could have presented his findings to the board. Chairman again says they are not required to inform him. LG asks HSupt about placement of snow fences in the winter. He says they can be up to 50' from the road, sometimes the highway needs permission from the owners.

The Chairman repeated that the motion to keep the public hearing open, was seconded and discussed, all voted in favor, motion passed. Clerk will publish the continuation of the public hearing in the paper of record, Register Star, 10 days before the meeting on June 22, 7pm.

Approval of Minutes: from prior month's meeting, April 27, 2023 Chairman points out a reference to a contractor, Jeff Pinkowski, on p. 1 as "JP" without having it designated. He moves that minutes be accepted with the reference to JP be for a contractor, AO seconds, all in favor with that change, motion carries that minutes are approved for the meeting of April 27, 2023.

Other Business:

Chairman reminds members of mandatory annual training. There is a webinar on June 27 for Harassment & Discrimination, 1 hr. There are also courses with Greene County that would fill out the required 4 hours. Clerk will send information to the board members on how to register.

Next Meeting Date: Thursday, June 22, 2023, with Public Hearing at 7pm.

Adjournment Chairman moves to close the meeting; SD seconds; all in favor; meeting adjourned at 9:03 pm.

Respectfully Submitted 6/6/2023
P. Fallon, Zoning Board Clerk

MEETING ATTENDANCE SIGN-IN

ZONING BD

Date: THURS, MAY 25, 2023 7 PM

Please print your name and address clearly for official Public Records.

Minerva Campbell

Albany Tpke

Jason Dubrey

61 Eberle Rd. Watlatie

Ten Dubray

61 Eberle Rd Valatie

Jeff Antgalek

100 Sullivan Rd.

Andrew Stanley

11 Ridgerview dr, Valatie

Annemarie Hallenbeck

11 Ridgerview Dr. Valatie

LINDIA MURAWSKI

23 RIDGEVIEW DR VALATIE

Lindy Lasonde

11 Crestview Dr Valatie

Elizabeth Smith

156 Crestwood Dr Valatie

Greg Byler

64 Garage Place RD Ghent

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING *w* PUBLIC HEARING
THURSDAY, June 22, 2023, 7PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a public meeting with public hearing on Thursday, June 22, 2023 at 7PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, where the public can join in person or with Google Meet meet.google.com/dpu-xeat-iej or by phone (US)+1 601-552-3126 PIN: 161 934 859#. Copies of the application materials are available for public review at the Town Hall, M&Th 9AM-3PM.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's meeting, May 25, 2023

Communications: letter received from Andrew Stanley, neighbor of applicant, Corey Schaeffen

PUBLIC HEARING - CONTINUED FROM MAY 25, 2023 ZB MEETING:

Application Part III for Fence Variance from Corey Schaeffen for property located at 6 Crestview Drive, Tax ID 24.-1-1-220

NEW BUSINESS

Application for an Area Variance for new structure on an undersized lot from Austin R. & Bonnie L. Coon located at 3070 State Route 66, Tax ID 56.-1-18

Other Business:

Next Meeting Date: Thursday, July 27, 2023

Adjournment

Dated 6/12/2023
Zoning Board Clerk

PUBLIC HEARING NOTICE
TOWN OF CHATHAM ZONING BOARD

PLEASE TAKE NOTICE the Town of Chatham Zoning Board has scheduled a **continuation of a PUBLIC HEARING** on Thurs, June 22, 2023, 7PM at the Town Hall, 488 State Rte 295, Chatham, NY, to review an Application for a Variance from Corey Schaeffen, 6 Crestview Dr, Tax ID 24.-1-1-220. This is an in-person meeting where the public can join in person or with Google Meet meet.google.com/dpu-xeat-iej or by phone (US)+1 601-552-3126 PIN: 161 934 859#. Copies of the application materials are available for public review at the Town Hall, M&Th 9AM-3PM. Dated 6/8/23

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING *w* PUBLIC HEARING
THURSDAY, June 22, 2023, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman")	Jeff Antalek, Town Highway Superintendent (HSupt)
Adrian Ooms ("AO")	Corey Schaeffen, applicant
Stephen Day ("SD")	Members of the Public:
Lee Gagne ("LG") REMOTELY	Linda Murawski
Absent: Melissa Voorhees Rouse ("MR")	Liz Smith
	Andrew Stanley
	Greg Walsh
	Austin Coon, applicant

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Chairman announced that Stephen Day, Deputy Chair, would be conducting the meeting tonight. SD then called the meeting to order at 7:03 pm with the pledge of allegiance, introduced the board members and stated a quorum was present and stated the board would move the approval of the minutes from the May 25th meeting to the end of this meeting. He opened the public hearing at 7:05 pm and invited Corey to come forward and address the board.

PUBLIC HEARING (Continued from May 23 meeting):

Application Part IV for Fence Variance from Corey Schaeffen for property located at 6 Crestview Drive, Tax ID 24.-1-1-220 Applicant, Corey Schaeffen, described the several short videos he provided to the board that give different aspects of where the fence line will be as he has placed 2 posts on his lawn. The board was shown the videos. He explained that he too is very concerned about safety as are the neighbors and wants to maximize the use of his property.

Neighbor, Andrew Stanley, addressed the board based on the letter he had written that he is very concerned about safety, and making this intersection more obstructed doesn't seem justifiable. The current intersection is not safe as it is, and if there are accidents, how can it be reversed? He thanked the board for their consideration of his concerns.

Jeff Antalek, Town Highway Superintendent, met with Corey the day after the May 25th meeting and now feels the fence would be fine after seeing the property. He also called the State DOT who was more concerned with the trees that will overhang the fence and recommended the fence be on the other side of the trees. Overall, Jeff doesn't believe it will impede the sight distance. The State DOT said it must not be any closer than 25 feet from the center of Rte. 203. Regarding the plows for the town, Jeff said the drivers

will be higher than normal automobiles and in the winter the trees will not have leaves, so the sight distance should be fine.

Elizabeth Smith, neighbor on Crestview, says it seems no one is sure the fence in front will be ok. She has no problem if it were placed behind the trees.

Greg Walsh, neighbor, asked what kind of fence it would be and was shown a rendering. He doesn't see a problem with the placement if approved.

SD asked for further comments; there being none, he moved to close the public hearing; all in favor; motion passed and public hearing closed at 7:23 pm. Chairman explains that safety is a serious concern and asks if Corey would be willing to consider moving the fence behind the trees. Corey asks if he can ask his wife by text. SD asks for the exact measurement of the fence line, particularly the line on Crestview, so the building inspector will be able to affirm the placement. Corey doesn't have it but can provide it. Chairman said they need to determine the amount of variance on all sides for the minutes and, if approved, for the final resolution and for the building inspector. Corey said the trees are approximately 28-30 feet from the center of the road and the fence is proposed for 25 feet. SD said he started out with an angled corner and then it was revised to a radius. Chairman asks the distance from the trees to the edge of the road. Corey said the trees are roughly 28 feet from the center of the road and on the Crestview side are about 40 feet from the corner. After further discussion, LG says the trees are at 28 feet, and if the fence is at 27 feet, it would still be 1 foot in front of the trees, keeping the trees on the inside (toward the house); would that be acceptable?. Corey said, sure, he would agree to that; if he can keep the trees on the inside, then yes. LG if you say 27 feet is the number you need, the board needs to be sure so that it goes in the record. Corey again says yes, he agrees to the 27 feet distance from the center of the road.

Members of the public ask to speak, and SD moves to reopen the public hearing for further input; AO seconds, Chairman votes yea; LG votes nay; motion passes to reopen the public hearing at 7:42pm.

Andrew Stanley adds 2 points: this was self-created. Applicant told me he didn't look at the zoning law before purchasing the property. A good compromise would be to have the fence closer to the house according to the current zoning laws. Also, an engineer or traffic study might be necessary to prove the accessibility of turning on to Rte 203. The burden of proof should be on the applicant. Liz Smith comments that the berm is the hindrance to sight. SD asks for any further comments; there being none, he moves to close the public hearing; Chairperson seconded; all in favor; public hearing closed at 7:46 pm.

SD then reviews the 5 criteria:

1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties? The board members agreed it wouldn't be a change in the neighborhood or a detriment.
2. are there any other means or methods feasible other than granting a variance? Chairman said the alternatives have been discussed; now the setback is 27 feet from the center of Rte 203 and still in front of their trees.
3. whether the requested area variance is substantial, and the answer is yes, a 23 foot variance from the front, nearly 50%.
4. whether the variance will have an adverse effect or impact on the physical or environmental or environmental conditions on the neighborhood or district? SD says the berm is really the point of concern and the fence is clear of that.

5. whether the difficulty was self created? SD said yes; the mitigating factor would be to follow the current setbacks but which would be undesirable to the applicant.

Chairman asks that the setbacks on all sides be restated for clarity: The rear setback will be on the property line which will be a 100% variance from 25 feet. Corey states it will be in a few feet and require clearing some downed trees and brush. Chairman continues that the left side (Crestview Dr), would be a 50% variance, 25 feet from the required 50 feet to the center of a town road; on the right side, the variance would be 100% as it will be on the property line. The neighbor on that side has walked the property line with Corey and is on board with the placement of the fence.

SD moves that the board votes on granting the variances as defined: front 23 foot variance for fence 27 feet from center of Rte 203; rear 100% on the property line; left side 50% variance from Crestview; and right side 100% variance on the property line.

Chairperson asks how to define the radius of the corner off the corner of the road. LG said the radius will not be closer than 35 feet from the grass edge of both 203 and Crestview. And the radius of the corner to meet up with the 27 foot setback on the front of the property.

SD asks for further discussion and repeats the motion that the board accept the variances as defined for front, rear and sides and fence along radius (corner) can be no closer than 35 feet from the edge of 203 transitioning on to Crestview and can't be any closer than 35 feet to that edge. Chairman seconds; no further discussion; all in favor; motion passes and variances are granted.

Chairman describes the minutes will memorialize the variances which, when approved, will be attached to the resolution that will be filed with the town clerk. The applicant was advised he can proceed with the Building Department for the permit to build the fence. Chairman thanked the public and assured them their concerns are taken seriously.

NEW BUSINESS

Application for an Area Variance for new structure on an undersized lot from Austin R. & Bonnie L. Coon located at 3070 State Route 66, Tax ID 56.-1-18 Applicant, Austin Coon, described replacing a similar structure on the same footprint as a previous mobile home on a foundation that has been demolished. There is a well, electric and septic on the property. The surrounding parcels are also undersized. It is largely a wooded lot and the new structure would be toward the back of the lot, backing up to the pond on PS21 property (approximately 100+/- feet), slightly elevated and not visible from the road. LG asks what is the production of the existing well? Your bank will probably want that too. If you know who drilled it, they would know. Austin says he does not know who drilled it so long ago, but can get Claverack Pump to test it before the next meeting.

Chairman has the applicant fill in the blanks on the SEAF (Short Environmental Application Form). Chairman describes that because it's an undersized lot, there still needs to be setbacks for a structure. It is not really an area variance but a variance in terms of the permitted use on a smaller lot. Chairman wants to check with the town attorney for an opinion whether it can be considered a Type II SEQRA.

Chairman moves that the application, as amended tonight (SEAF) complete, pending further input from the applicant regarding the well and response from the town attorney, SD seconds, all in favor, motion carried that the application is complete. A public hearing notice will be published and applicant will mail notify abutting neighbors 10 days' prior to the next scheduled meeting, Thursday, July 27. Receipts for those letters to be submitted to the clerk.

Chairman asks for a clearer idea of the footprint of the proposed building with dimensions and with setbacks from. Please provide before publication of the public hearing.

Approval of Minutes: from prior month's meeting, May 25, 2023 Chairman commented on the minutes to generally keep the quotes in third person and moves to accept them as written; AO seconds, all in favor, motion carries that minutes are approved for the meeting of May 25, 2023.

Other Business:

Chairman asks for a post mortem discussion on Corey Schaeffgen application. He felt that from the beginning the narrative describing the lines was very fluid and somewhat confusing as to what he was asking whether it was from the centerline of the road or from the edge of the road. Submission on his materials seemed mixed. Chairman apologized for not leading the board with clarity, but it is not really the responsibility of the board. LG commented that he asked the applicant multiple times about where the fence will be in relation to the trees. He didn't see any issue with the board trying to pin him down on his dimensions. The number suggested he use off Rte 203 (27 feet vs original 25 feet) wasn't an attempt to make him change, but he didn't have to accept that. Chairman said because it was a fluid plan, he doesn't think the board influenced him too much, but with the questions that were asked, the applicant changed his request and it seemed like a good compromise especially in view of the neighbors' concerns. In this instance, we didn't have exact dimensions. Does the board feel that in the future, the board makes sure the diagrams are accurate to the proposed request? SD said the applicant seemed initially hostile regarding questions on specificity, almost like it was a bother. He changed over time to provide more information to get his desired outcome. SD still believes the fence line is not the issue but the berm on Rte 203, and the question was whether the fence line might obscure the sight view. The side radius on Crestview was ambiguous and perhaps we should have been more insistent on that dimension, but SD is confident it will not impede the sight line. LG said the 35 feet from the edge meets that criteria and with his final distance of 40 feet from the corner, it surpasses what his neighbors had requested. SD thinks the Zoning Code on fences is way too ambiguous and unrealistic - there are more non-complying fences around - it leaves too many instances for variances.

Adjournment Chairman moves to close the meeting; SD seconds; all in favor; meeting adjourned at 8:56 pm. Next Meeting Date: Thursday, July 27, 2023, 7pm.

Respectfully Submitted 7/2/2023
P. Fallon, Zoning Board Clerk

ZONING BOARD

MEETING ATTENDANCE SIGN-IN

Date: THURS., JUNE 22, 2023

Please print your name and address clearly for official Public Records.

Cory Schaefer	6 Crestview Dr.
BRAD WASH	3901 Rte 203
Andrew Stanley	11 crestview ns.
JEFF Antaleh	100 Sullivan RD.
LINDA MURAWSKI	33 RIDGEVIEW DR
Elizabeth Smith	156 CRESTVIEW DR

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING w PUBLIC HEARING
THURSDAY, July 27, 2023, 7PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a public meeting with public hearing on Thursday, July 27, 2023 at 7PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, where the public can join in person or with Google Meet meet.google.com/tvs-teju-rjj or by calling (US)+1 339-545-4511 PIN: 240 603 893#. Copies of the application materials are available for public review at the Town Hall, M&Th 9AM-3PM.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's meeting, June 22, 2023

Communications: Letter from Crestview-Ridgeview Residents questioning a zoning violation

PUBLIC HEARING

Application for an Area Variance for new structure on an undersized lot from Austin R. & Bonnie L. Coon located at 3070 State Route 66, Tax ID 56.-1-18

NEW BUSINESS

Other Business:

Discussion of Harmon Heights cell tower faux branching

Next Meeting Date: Thursday, August 24, 2023

Adjournment

Dated 7/17/2023
Zoning Board Clerk

PUBLIC HEARING NOTICE
TOWN OF CHATHAM ZONING BOARD

PLEASE TAKE NOTICE the Town of Chatham Zoning Board has scheduled a **PUBLIC HEARING** on Thurs, July 27, 2023, 7PM at the Town Hall, 488 State Rte 295, Chatham, NY, to review an Application for a Variance from Austin R. & Bonnie L. Coon located at 3070 State Route 66, Tax ID 56.-1-18. This is an in-person meeting where the public can join in person or with Google Meet meet.google.com/tvs-teju-rjj or phone (US)+1 339-545-4511 PIN: 240 603 893#. Copies of the application materials are available for public review at the Town Hall, M&Th 9AM-3PM. Dated 7/15/23

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING *w* PUBLIC HEARING
THURSDAY, July 27, 2023, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman")	Donal Collins, TOC Supervisor
Adrian Ooms ("AO")	Austin Coon, applicant
Stephen Day ("SD")	
Lee Gagne ("LG")	
Melissa Voorhees Rouse ("MR") Remotely	

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Chairman called the meeting to order at 7:12pm with the Pledge of Allegiance and established a Quorum was present. However, the applicant was not yet present, so the Chairman moved to proceed with the public meeting until the applicant arrived; SD seconded, all in favor of proceeding with the meeting.

Approval of Minutes from prior month's meeting, June 22, 2023 - LG moves to approve as written; SD seconds; all in favor; minutes approved. Chairman adds that all applications granted at that meeting will be appended to the minutes and filed with the Town Clerk.

Communications: Email correspondence between Kent Pratt of the Building Department and representatives of the owners of the Harmon Heights cell tower. Correspondence from Crestview/Ridgeview residents complaining of short term rental in a single family zone.

PUBLIC HEARING

Application for an Area Variance for new structure on an undersized lot from Austin R. & Bonnie L. Coon located at 3070 State Route 66, Tax ID 56.-1-18 Applicant, Austin Coon, arrived and the Chairman opened the Public Hearing at 7:21PM. He explained to the applicant that since the last meeting the board had sought the advice of the Town Attorney about the lot size and other features of this application and whether it should perhaps go to the Planning Board with an opinion from the Zoning Board. The Town Attorney advised that "since the lot is pre-existing nonconforming, as long as the use of the building is permitted in the zone and all the minimum setbacks are met, then they may proceed with a simple building permit. If the setbacks cannot be met, then they need an area variance. If the use needs a site plan or special use under the Code, then it needs to be referred to the Planning Board for that review." Therefore, based on the Town Attorney's response, the applicant doesn't need a variance since his proposed structure is a permitted use in RL2 zone and meets the setback requirements; he may simply proceed with his building permit application. He doesn't need a variance approval from this board.

Chairman then moves to close the Public Hearing at 7:26PM, SD seconds, all in favor.

Other Business: Discussion of Harmon Heights cell tower faux branching - lengthy review of the current tower with 'socks' covering the new antenna boxes. SD thinks asking them to do more than this probably won't comply. They have somewhat ameliorated the situation of making the cell tower look more like a tree, which it never will, especially due to its height. Chairman said the additional collocation should not have been done because of the qualifications we had placed on them in the resolution of March 2019. SD - the addition of more antennas to the tower makes us powerless to stop it from happening. It clearly is not what we allowed when it was initially installed. Chairperson - the statute and regulation does allow for us to review it when there is substantial change. It should have come back to us for review. Because the ZBA resolution of March 2019 had not been filed with the town clerk nor shared with the building department, they permitted the increased height twice. they could have issued a stop work order had they known about the resolution. It is still something we need to keep control of. We don't want them to think they don't have to listen to us. Not sure much more of anything can be done. It is not ever going to be a tree. But it needs to be conveyed to the owners that it can't happen again. We should carefully craft a letter with Tal's involvement for the future, but will that appease the homeowners? SD it would at least establish our position. Chairman suggests possibly asking the owners to come to a meeting for an interpretation and how to move forward but doesn't want it to become adversarial. LG agrees there is probably no way to tell them to change their tower now and feels the socks are their attempt to comply. And the federal government will probably play the card that it's their call in order to provide the public with emergency contacts. If we hold the permit open, it could open us to liability. Chairman - and the complainants have a grievance too. LG suggests a motion that the building department close out the permit with the owner's assurance that the socks are the only option available. LG they've done what we asked them: to camouflage, the socks are their remedy to comply.

SD let's write out the motion and vote on it at our next meeting. Chairperson agrees to table this until we draft a motion with Tal's input for review at the next meeting.

Other Business: Crestview/Ridgeview Residents complaining of the short term rental in their neighborhood. Supervisor said it's the Building Department's jurisdiction. It's zoned RL 1&2. The specific house is in RL2, and the Building Dept is asserting it is a single family dwelling. Town Board replied to them that STR parameters are being developed. Currently there are no STR regulations. Perhaps we can adopt something in the next few weeks.

Adjournment Chairman moves to adjourn the meeting; LG seconds, all in favor; meeting adjourned at 8:13PM.

Next Meeting Date: Thursday, August 24, 2023

Dated 7/30/2023
Zoning Board Clerk

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING
THURSDAY, August 24, 2023, 7PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a public meeting on Thursday, August 24, 2023 at 7PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, where the public can join in person or with Google Meet meet.google.com/xjr-iijp-czm or by calling (US)+1 401-646-0175 PIN: 982 641 248#. Copies of the application materials are available for public review at the Town Hall, Mondays & Thursdays 9:30AM-3:30PM.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's meeting, July 27, 2023

Communications:

NEW BUSINESS

Application for Setback Variances for additions on existing dwelling from from Georgia Landman and Mattijs Vormer, located at 2751 County Rte. 9, Tax ID#47.4-1-3 RL2

Other Business:

Discussion of motion for closing permit on Harmon Heights cell tower

Next Meeting Date: Thursday, September 28, 2023

Adjournment

Dated 8/10/23
Zoning Board Clerk

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING
THURSDAY, August 24, 2023, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman")	Georgia Landman & Mattijs Vormer, applicants
Adrian Ooms ("AO")	
Stephen Day ("SD")	
Lee Gagne ("LG")	
Melissa Voorhees Rouse ("MR") Remotely	

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Chairman called the meeting to order at 7:13pm with the Pledge of Allegiance, introduced the board members and established a quorum was present. The process was explained to the applicants for this meeting that the board will determine if the application is complete and, if so, it can be moved to next month's meeting with a public hearing when the board will hear any comments from the public and consider a series of 5 questions before they will vote on the application.

Approval of Minutes from prior month's meeting, July 27, 2023 - Chairman tables approval of the minutes to later in the meeting.

Communications: None

NEW BUSINESS

Application for Setback Variances for additions on existing dwelling from from Georgia Landman and Mattijs Vormer, located at 2751 County Rte. 9, Tax ID#47.4-1-3 in RL2 Applicants present their plans to the board that they wish to enlarge and update the basic ranch house and bring in more natural light with 2 additions. The house is already within the required setback of 50 feet on the right side, and they are looking for an additional right-side variance of 9 feet to include a new Bilco door for a total of 39 feet; as well as a variance for 9 feet at the front, bringing the front setback to 41 feet. After further questions and answers, Chairman asks if the board or the applicants have any further questions. There being none, he asks for a motion. LG makes a motion that the application is complete with the modifications to the side variance distance to 39 feet to include the Bilco door and maintaining the front at 9 feet. AO seconds, no further discussion, all in favor, motion is unanimously carried. Clerk will place the public hearing 10 days before the next meeting, September 28.

Chairman moves that this application is deemed a Type II SEQRA, SD seconds, all in favor, motion carries that this application is a Type II Seqra. Chair explains to applicants that a request for variance does not

require further explanation or investigation by another agency. All variances are Type II. Clerk will send a list of abutters and a sample letter for notifying the neighbors.

Approval of Minutes from prior month's meeting, July 27, 2023 - Chairman prefers minutes to be written in third person but says these are acceptable and asks for a motion. LG makes a motion to accept the minutes of July 27, 2023, as written, SD seconds, no further discussion, all in favor, motion carries to accept the minutes.

Other Business:

Discussion of motion for closing permit on Harmon Heights cell tower. On earlier advice from the town attorney, the Building Department sent the Certification of Completion to the tower owner, American Tower, without including a statement from the Zoning Board. Discussion ensued of the lengthy process of creating the resolution in March, 2019, which was very clear about the requirement of the tower owner to return to the Zoning Board for any variances from the approved height, which were to be measured from the cell tower itself, not from collocations. Can notification be sent to them at this point? They could argue that subsequent extensions were permitted without the Building Department invoking the resolution; however, it should be made clear to the owner that going forward the Building Department will adhere to the resolution and they will be required to return for a variance. SD thinks it is worthwhile to remind them they acted outside of the variance they were granted. LG added that any additional changes must abide by the resolution. American Tower owns the property and the tower, and service providers lease the antenna space. SD thinks it may be a 100-year lease, and the owner could possibly change out this tower for a larger one. The members agree it would be worthwhile to ask Tal for his legal opinion and discuss it at the next meeting.

Adjournment SD moves to adjourn the meeting; LG seconds, all in favor, meeting adjourns 8:06 pm.

Next Meeting Date: Thursday, September 28, 2023

Respectfully submitted
Dated 9/7/23
P Fallon, Zoning Board Clerk

ZB MTG
MEETING ATTENDANCE SIGN-IN
THURS 8/24/23

Date:

Please print your name and address clearly for official Public Records.

Mattijs Vormer

Georgia Landman

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING *w* **PUBLIC HEARING**
THURSDAY, September 28, 2023, 7PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a public meeting on Thursday, September 28, 2023 at 7PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, where the public can join in person or with Google Meet meet.google.com/ijd-aerb-ova or by calling (US)+1 401-702-0598 PIN: 142 301 496#. Copies of the application materials are available for public review at the Town Hall, Mondays & Thursdays 9:30AM-3:30PM.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's meeting, August 24, 2023

Communications:

PUBLIC HEARING:

Application for Setback Variances for additions on existing dwelling from Georgia Landman and Mattijs Vormer, located at 2751 County Rte. 9, Tax ID#47.4-1-3 RL2

NEW BUSINESS

Application for Setback Variances from Dale & Linda Dymond for property located at 4431 State Route 203, Tax ID #14.1-1-22

OTHER BUSINESS:

Next Meeting Date: Thursday, October 26, 2023

Adjournment

Dated 9/18/23
Zoning Board Clerk

PUBLIC HEARING NOTICE
TOWN OF CHATHAM ZONING BOARD

PLEASE TAKE NOTICE the Town of Chatham Zoning Board has scheduled a **PUBLIC HEARING** on Thurs, September 28, 2023, 7PM at the Town Hall, 488 State Rte 295, Chatham, NY, to review an Application for a variance from Georgia Landman and Mattijs Vormer, located at 2751 County Rte. 9, Tax ID#47.4-1-3. This is an in-person meeting where the public can join in person or with Google Meet meet.google.com/ijd-aerb-ova or by calling (US)+1 401-702-0598 PIN: 142 301 496#. Copies of the application materials are available for public review at the Town Hall, M&Th 9AM-3PM. Dated 9/15/23

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING *w/PUBLIC HEARING*
THURSDAY, September 28, 2023, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman")	Georgia Landman & Mattijs Vormer, applicants
Adrian Ooms ("AO")	Nancy Jackson, neighbor
Stephen Day ("SD")	Greg & Julie Van Allen, neighbors
Lee Gagne ("LG")	Rich Sardo, surveyor and rep for Dymond applicant
Melissa Voorhees Rouse ("MR") Remotely	

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Chairman called the meeting to order at 7:05pm, introduced the board members and established a quorum was present and explained the difference between a public hearing, when attendees may speak to the board, and a public meeting, when attendees may observe the proceedings without speaking. He then asked all to stand to recite the Pledge of Allegiance to the Flag.

Approval of Minutes from prior month's meeting, August 24, 2023 - Chairman tabled approval of the minutes to later in the meeting.

Communications: None

PUBLIC HEARING:

Application for Setback Variances for additions on existing dwelling from Georgia Landman and Mattijs Vormer, located at 2751 County Rte. 9, Tax ID#47.4-1-3 Chairman asks for a motion to open the public hearing. LG moves to open the meeting for the above listed application; SD seconds, all in favor; the public hearing is opened at 7:09 pm. Applicants describe again their plans for the renovations to their house which would create a need for a 9 foot variance in the front and a 39 foot variance on the side. Chairman invites members of the public to speak.

Nancy Jackson of 2721 Cty. Rte 9 states she is a neighbor of the applicants who had been renting and now have purchased which all of the neighbors are happy about including herself and is in favor of their changes which she said will enhance the neighborhood. She encouraged the board to approve.

Greg Van Allen of 2758 Cty. Rte 9, states that he and his wife, Julie, have seen the plans and are in favor of them which will certainly beautify the neighborhood.

Applicant, Georgia Landman, states there was another email from the neighbor behind them on Elliot Road who also stated their approval and will send it to the clerk for the record.

SD asks about the tree line between their house and the field beyond it, if their neighbors are aware of the plans. MFormer states that they have spoken and the neighbors are fine with it.

Chairman asked if there are any further comments. There being none, he moves to close the public hearing; SD seconds; all in favor; public hearing closed at 7:18pm. The board then proceeded to review the 5 criteria which he explained are combined for overall consideration by the board:

1. If it will be a detriment to the neighborhood? Chairman said he heard the opposite from the members of the public who spoke.
2. Is there any other method to achieve their goal? SD stated the applicants have described there are no other good options.
3. Is the variance substantial? Chairman says yes, especially on the side (39 feet). Chairman explains whenever a new structure is proposed, it returns to the ZB for review.
4. Will it have an adverse effect on the neighborhood? SD says no, even with the Bilco door on the side, which is innocuous; Chairman agrees and public agrees.
5. Is the variance self-created? Chairman says, yes, as they often are. LG says it's why you're here.

Chairman asks for any further discussion, there being none, LG moves to approve the setbacks for the application as described above, 9 feet from the front and 39 feet from the side; all in favor; motion passes that the application is approved. Applicants invite the board members to stop by and see the final project. Chairman explains the building department can now issue a permit, and the Zoning Board's resolution will be filed permanently with the Town Clerk.

NEW BUSINESS

Application for Setback Variances from Dale & Linda Dymond for property located at 4431 State Route 203, Tax ID #14.1-1-22 Rich Sardo, surveyor and representative for the applicants, describes the owner's large parcel of about 16 acres, which is split by State Rte 203, creating this small parcel to be subdivided. Owner wants to replace the abandoned manufactured home and create a different tax lot, one to the north of 203, one to the south. Chairman said the Planning Board had asked ZB to approve the setbacks before the subdivision can be approved. RS said Bldg Dept advised him he could replace the existing home with a new manufactured home up to 33% larger which the owner said is acceptable (Town Code Ch 180-49). However, it will still be subject to setback issues.

Chairman said because it's not yet a separate lot, we have to look at the setbacks related to the septic and well. Do you know about the leach field? RS thinks it is a dry well but not sure, located according to the owner's description. If it leaches away from the well, it should be ok, as a dry well needs to be 100 feet away from the well. LG states that it has come before the ZB because he's hoping to divide it from the larger parcel. If not, he could do what he wanted without setback approval. Chairman states the Planning Board has declared lead SEQRA agency on this and hasn't rendered a decision yet. The ZB will decide with regard to the variances, but it goes back to the Planning Board for subdivision approval. We would discuss it, have a public hearing, keep the public hearing open while it goes back to Planning for their decision. I would like to confirm that sequence of events with Tal. Perhaps it needs DOH approval re the septic and would like to send it on to them before we make a ruling. They may say it's preexisting. LG asks if it must be DOH or could it be a septic inspection? Chairman feels better going through DOH and they may use somebody to inspect it.

Chairman moves the application for subdivision setbacks is incomplete and moves to seek an opinion of DOH regarding the issues of the leach field or dry well and how it might affect the well; SD seconds; all in favor; motion passes that DOH is to be contacted to give a ruling.

Approval of Minutes from prior month's meeting, August 24, 2023 - Chairman asks if any comments on the minutes, there being none, he moves to accept; LG seconds; all in favor; motion passes to accept the minutes as written.

OTHER BUSINESS:

Continued discussion of advising the American Tower company of the resolution in March, 2019, which was very clear about the requirement of the tower owner to return to the Zoning Board for any variances from the approved height, which were to be measured from the cell tower itself, not from collocations. Can notification be sent to them at this point? They could argue that subsequent extensions were permitted without the Building Department invoking the resolution; however, it should be made clear to the owner that going forward the Building Department will adhere to the resolution and they will be required to return for a variance. SD thinks it is worthwhile to remind them they acted outside of the variance they were granted. American Tower owns the property and the tower, and service providers lease the antenna space. SD thinks it may be a 100-year lease, and the owner could possibly change out this tower for a larger one or some other new technology at some point. He believes it would be worthwhile for the Town to know this. The members agree it would be worthwhile to ask Tal for his legal opinion and keep this topic on the agenda until further notice.

Adjournment SD moves to adjourn the meeting; LG seconds, no further discussion, all in favor, meeting adjourns 8:10 pm.

Next Meeting Date: Thursday, October 26, 2023

Respectfully submitted
Dated 10/3/23
P Fallon, Zoning Board Clerk

ZONING BOARD
MEETING ATTENDANCE SIGN-IN
THURS., SEPT. 28, 2023

Please print your name and address clearly for official Public Records.

NANCY VAZAC JACKSON	2721 C.R. 9 EAST CHATHAM NY
Mattie's Vornee	2751 CR 9
Georgia Landman	2751 CR 9
Greg + Julie VanAllen	2758 CR 9
RICHARD SAEBO	135 GEORGE RD CHANT

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING
THURSDAY, October 26, 2023, 7PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a public meeting on Thursday, October 26, 2023 at 7PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, where the public can join in person or with Google Meet meet.google.com/iuu-oacu-xuq or by calling (US)+1 774-419-5230 PIN: 989 264 286#. Copies of the application materials are available for public review at the Town Hall, Mondays & Thursdays 9:30AM-3:30PM.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's meeting, September 28, 2023

Communications:

OLD BUSINESS

Application for Setback Variance from Martin Zaretsky, lessee of property located at 3941 State Rte 66 Tax ID#35.-1-3.120

OTHER BUSINESS:

Inquiry to DOH re Dymond septic (4431 State Route 203, Tax ID #14.1-1-22)

Continuing discussion of response to American Tower re Resolution dated March 2019

Next Meeting Date: Thursday, December 28, 2023

Adjournment

Dated 10/16/23
Zoning Board Clerk

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING
THURSDAY, October 26, 2023, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman")	Marty Zaretsky, applicant ("MZ")
Adrian Ooms ("AO")	
Stephen Day ("SD")	
Lee Gagne ("LG") - Absent	
Melissa Voorhees Rouse ("MR") Remotely	

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Chairman called the meeting to order at 7:12 pm, and asked all to stand for the Pledge of Allegiance to the Flag. He then introduced the board members and established a quorum with the three members present and MR remotely. Only members present in person can vote. He describes the public meeting where the board will ask questions of the applicant to try to determine if the application is complete which, if done, will lead to the scheduling of a public hearing at the next meeting.

Approval of Minutes from prior month's meeting, September 28, 2023 - Chairman asked if the members had read the minutes and if there were any changes, corrections or discussion required. There being none, he moved that they be accepted as written, SD seconded, all voted in favor, and the minutes were approved as written. Chairman reminds that the approved minutes will be attached to the resolution of the approval of the Landman-Vormer application from the September and filed with the Town Clerk.

Communications: None

NEW BUSINESS:

Application for Setback Variance from Martin Zaretsky, lessee of property located at 3941 State Rte 66 Tax ID#35.-1-3.120 Marty Zaretsky (MZ) describes the Morton utility shed without utilities or plumbing which has been erected on a concrete pad since the first time he applied to the board for a variance in April, 2019. He has returned to correct the situation by continuing his application for a variance of 10 feet from the center of the road, Rte 66. The corner of the shed closest to the road is 65 feet from the center of the road. He has planted many trees to shield the shed from the road. He offers the board members to make a site visit. The board members reviewed the material and questioned the drawing and location of the other structure, a large barn, which is closer to the road but has likely been there earlier than zoning regulations were put in place. However, they determine that in addition to the

setback variance, there is the issue of requiring a variance for an accessory structure that is located on the front of the property, the side facing the street.

Chairman advises MZ that because he is a lessee of the property owned by Ed Williams, he would need a letter from Mr. Williams authorizing Mr. Zaretsky to present the application as a "sponsor" for a variance on land that he owns. He also wants to be sure the variance of 10' from the center of the road is accurate so the board will grant him the accurate distance for the record.

After more questions about the property, SD said the drawing should accurately show the distances among the structures so it can be accurately recorded. Prompted by the Chairman, SD then makes a motion that the application is incomplete and needs a more detailed map or drawing of the buildings showing the distances among the structures, as well as the authorization letter from the property owner, Ed Williams. AO seconds the motion, there being no further discussion, all vote in favor of the motion that the application is incomplete. No public hearing is scheduled at this time. The board will advise the applicant when the next meeting will be scheduled to have him be on the agenda with the missing materials.

OTHER BUSINESS:

Inquiry to DOH re Dymond septic (4431 State Route 203, Tax ID #14.1-1-22). Chairman attempted more than once to reach someone at the Dept of Health regarding the location of the septic system on the parcel, with no response. LG had suggested at the September 28 meeting to get a septic company locate it. The board can ask Rich Sardo, the owner's representative, to contact a company to locate it precisely to determine if it's within the variance we have to grant.

Continuing discussion of sending a response to American Tower on 181 Harmon Heights Road re Resolution dated March 2019. Chairman made an inquiry to the Town Attorney stating that the board members still feel strongly about the situation of not following the resolution and, while they did agree to close out the most recent permit for height extension, would like his opinion about sending a letter to the owner of the tower providing a copy of the resolution and emphasizing that the ZBA maintains jurisdiction over that tower, so that we don't have this situation again. The Board simply wants a record to put them on continuing notice that the tower is now under regulation and requires an application for any further extensions. Tal replied he agrees it would be worthwhile to advise the tower owners that they must come back to the ZBA for any future changes/developments/additions, etc., and offered his assistance or review of the letter.

Adjournment SD moves to adjourn the meeting; AO seconds, no further discussion, all in favor, meeting adjourns 8:12 pm.

Next Meeting Date: Thursday, November 30, 2023, 7 pm (instead of Nov 23 which is Thanksgiving. This will be the last meeting of the year.)

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING
THURSDAY, November 30, 2023, 7PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a public meeting on Thursday, November 30, 2023 at 7PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, where the public can join in person or with Google Meet meet.google.com/vhy-hxzj-ztm or by phone (US)+1 385-393-5134 PIN: 896 643 039#. Copies of the application materials are available for public review at the Town Hall, Mondays & Thursdays 9:30AM-3:30PM.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's meeting, October 26, 2023

Communications:

OLD BUSINESS

Application for Setback Variances Part II from Dale & Linda Dymond for property located at 4431 State Route 203, Tax ID #14.1-1-22

NEW BUSINESS

Application for a Setback Variances for Goold Family Properties, LLC, 13 Harris Road, Tax ID 34.-1-25.100

Application for Roof Mount Solar Array 100.8 DC KW from Stony Kill, Inc., 343 Route 295, 56.-1-49

OTHER BUSINESS:

Inquiry to DOH re Dymond septic (4431 State Route 203, Tax ID #14.1-1-22)

Member Education

Continuing discussion of response to American Tower re Resolution dated March 2019

Next Meeting Date: Thursday, January 25, 2024

Adjournment

Dated 11/20/2023
Zoning Board Clerk

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING
THURSDAY, November 30, 2023, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman") ABSENT	Vance Pitkin, Deputy Supv TOC
Stephen Day, Deputy Chair ("SD")	Dmitri Yephikin , Atty Rep for Goold Application ("DY")
Adrian Ooms ("AO")	Rich Sardo, rep/surveyor for Dymond Application
Lee Gagne ("LG")	Jody Rael, applicant StonyKill Inc. ("JR")
Melissa Voorhees Rouse ("MR") Remotely	Kate Butler, applicant StonyKill Inc. ("KB")
	Gary Martin, TOC Planning Board mbr remotely

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Due to the absence of Chairman, Dan Persing, Deputy Chairman, Stephen Day, called the meeting to order at 7:04 pm, and asked all to stand for the Pledge of Allegiance to the Flag. He then introduced the board members and established a quorum with the three members present and MR remotely. Only members present in person can vote.

Communications: None

NEW BUSINESS

Application for a Setback Variances for Goold Family Properties, LLC, 13 Harris Road, Tax ID 34.-1-25.100 Dmitri Yepikhin, attorney and representative for applicant, stated that subdivision application was presented to the Planning Board who recommended the setbacks first be reviewed by the Zoning Board. The map shows the items required by the Planning Board:

- ~ have septic tank(s) & leach fields shown on map in area on Goold Rd of business & house
- ~ wetlands - add pond near RR
- ~ note 10 on map shows A-B-C is stream. Please add wording on map saying "line is center of stream"
- ~ remove old note of "property line to be removed" between PARCEL-3 & Carol & Dave's parcel
- ~ add zoning district if not already included
- ~ setbacks - 50 foot setbacks are shown, but variances are needed from the Zoning Board because the following existing things are in a setback area (Code Ch 180.41):
 - well near pond that is behind garage (setback is 50 feet)
 - septic for house (25 feet)
 - septic for business (25 feet)
 - corner of office
 - corner of house

After review of the map with above changes, LG moves the application is complete with the items and variances identified by the Planning Board for the Goold Family Properties, LLC, at 13 Goold Road, tax ID 34.-1-25.100, and that it is ready for a Public Hearing to be published in the paper of record, Register Star, for the next Zoning Board meeting, scheduled for January 25, 2024. AO seconded; no further discussion, all in favor. Mr. Yephikin was reminded he will return with the revised map to the Planning Board on December 12 for their further review.

Application for Roof Mount Solar Array 100.8 DC KW from StonyKill, Inc., 343 Route 295, 56.-1-49 Jody Rael and Kate Butler presented the application plan to the board. SD noted he is Mr. Rael's neighbor. JR explained that his 20,000 sf building had previously been heated with cooking oil but now has installed heat pumps to be heated by solar panels on the roof. He already has 28kw on the roof and he wants to increase it to 100kw to power the heat pumps which will make that building and the entire complex net zero for heating and cooling. The Building Dept wouldn't issue a permit and recommended I come to the Zoning Board for a variance based on the only existing law of 25kw residential allowance which is within NYSEDA's limits for back feeding to the grid. It doesn't apply to his application because it is commercial and has already been approved by NYSEG, NYSEDA, and he has been approved for a USDA REAP Grant. He also has exhaustive reports on the condition of the roof. LG asks if NYSEG has already agreed that you can feed back? KB says NYSEG will have to turn it on once it's permitted by the town. LG & SD not sure how this came to the Zoning Board. JR says we need a building permit to start. Hoping to start before the winter weather gets bad.

JR reads from Comp Plan p.71-72:

"It is highly recommended that the Town of Chatham document and clarify the community's position in the form of a local solar ordinance. This ordinance should provide guidance and regulations regarding a number of different issues such as appropriate sizes, locations, siting and mitigating design factors as more fully described below. Recognizing the importance of energy resilience and independence, the town should encourage the use of solar energy and other renewable systems for private residential, agricultural, commercial and industrial use, with guidelines and standards that encourage sensible placement and roof-mounted installations where possible. At this basic level, support and encouragement by the town should include reasonably minimizing procedural obstacles to private renewable energy adoption while avoiding restrictions which limit their ability to pursue energy alternatives ... This system should prioritize the use of building integrated systems (e.g. rooftop installations) formerly developed land, brownfields, former mines, landfills, hilly terrain, and similar properties for any solar installations over the use of agricultural land or open space."

LG & SD it is not in the purview of the Zoning Board to recommend a permit be issued as there is nothing in the town rules for a large, commercial solar installation at this point. KB our law works that if it's not prohibited, it's permitted. You have to authorize the building department to issue the permit and follow the law.

LG - it doesn't fall under what was rejected (no large solar). Can't even issue a special use permit. It needs clarification. KB - you're supposed to understand the zoning code.

SD - this is where Tal and the Town Board needs to come up with a decision about your rejected building permit. JR says his attorney has been trying for 2 weeks to speak with Tal. SD recommends making a motion to engage the town attorney and town board to examine the rejection of this building permit and offer an explanation. It doesn't fall under any code that can have a variance. We as a board can't take any action to alter the situation.

LG moves that application for a 100kw solar array for StonyKill Inc., 343 Rte 295, tax ID 56.-1-49, be reviewed by the town attorney as to why it is rejected and that the town board explore a resolution that would help the Building Dept. issue a permit for this. Currently it doesn't seem to be a Zoning issue but a Regulation issue. SD seconds, no further discussion, all in favor; motion passes.

Vance Pitkin weighs in that this is likely something that should be brought to the town attorney and the town board at their next meeting, a workshop meeting, on Thurs., Dec 7. He offers to discuss with Supv. Collins to perhaps contact the town attorney for a comment to be on the Dec. 7 meeting agenda.

OLD BUSINESS

Application for Setback Variances Part II from Dale & Linda Dymond for property located at 4431 State Route 203, Tax ID #14.1-1-22 SD recommended this be moved to later in the meeting to see if the Chairman might call in to report on the response from the Dept. of Health regarding the septic location on this parcel. Chairman, who was unable to participate in the meeting due to illness, did not call in. When information is available, it will be conveyed to the applicant's representative with advice on next steps.

Approval of Minutes from prior month's meeting, October 26, 2023 - Deputy Chairman asked if the members had read the minutes and if there were any changes, corrections or discussion required. There being none, LG moved that they be accepted as written, SD seconded, all voted in favor, and the minutes of the October 26, 2023, meeting were approved as written.

OTHER BUSINESS:

Inquiry to DOH re Dymond septic (4431 State Route 203, Tax ID #14.1-1-22) - tabled until further notice from Chairman Persing.

Member Education - review of courses necessary for board members by year end.

Continuing discussion of response to American Tower re Resolution dated March 2019 - tabled until next meeting.

LG mentioned his term as board member was up. Vance weighed in that he will likely be approved for a new term if he is willing to continue to serve.

Adjournment - SD moves to adjourn the meeting; LG seconds; all in favor; meeting adjourned 7:47pm.

Next Meeting Date: Thursday, January 25, 2024

HAPPY HOLIDAYS & HAPPY NEW YEAR!

Respectfully submitted

Dated 12/2/23

P Fallon, Zoning Board Clerk

ZONING BOARD

MEETING ATTENDANCE SIGN-IN

Date: **THURS., 11/30/23**

Please print your name and address clearly for official Public Records.

JODY RAE 143 GLOUCE RD OLD CHATHAM

Dmitri Yepikhin 13 Gould Rd, Chatham

VANCE PITKIN WHITEBRIDGE RD OLD CHATHAM

RICHARD SANO 135 GLOUCE RD OLD CHATHAM

Kate Bak 2329 Park St

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
***SPECIAL* PUBLIC MEETING**
Tuesday, December 19, 2023, 6PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a special public meeting on Tuesday, December 19, 2023 at 6:00PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, where the public can join in person or with Google Meet meet.google.com/ydi-zrkx-kkh or by phone (US)+1 812-727-0162 PIN: 686 340 027#. Copies of the application materials are available for public review at the Town Hall, Mondays & Thursdays 9:30AM-3:30PM.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's meeting, November 30, 2023

Communications: Response from DOH re Dymond parcel Septic. Memo from CCPB re exemption of certain actions.

OLD BUSINESS

Application for Roof Mount Solar Array 100.8 DC KW from Stony Kill, Inc., 343 Route 295, 56.-1-50

OTHER BUSINESS:

Inquiry to DOH re Dymond septic (4431 State Route 203, Tax ID #14.1-1-22)

Member Education

Continuing discussion of response to American Tower re Resolution dated March 2019

Next Meeting Date: Thursday, January 25, 2024

Adjournment

Dated 12/14/2023
Zoning Board Clerk

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
***SPECIAL* PUBLIC MEETING**
Tuesday, December 19, 2023, 6PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a special public meeting on Tuesday, December 19, 2023 at 6:00PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, where the public can join in person or with Google Meet meet.google.com/ydi-zrkx-kkh or by phone (US)+1 812-727-0162 PIN: 686 340 027#. Copies of the application materials are available for public review at the Town Hall, Mondays & Thursdays 9:30AM-3:30PM.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's meeting, November 30, 2023

Communications: Response from DOH re Dymond parcel Septic. Memo from CCPB re exemption of certain actions.

OLD BUSINESS

Application for Roof Mount Solar Array 100.8 DC KW from Stony Kill, Inc., 343 Route 295, 56.-1-49

OTHER BUSINESS:

Inquiry to DOH re Dymond septic (4431 State Route 203, Tax ID #14.1-1-22)

Member Education

Continuing discussion of response to American Tower re Resolution dated March 2019

Next Meeting Date: Thursday, January 25, 2024

Adjournment

Dated 12/14/2023
Zoning Board Clerk

PUBLIC NOTICE
Change of Meeting Date
TOWN OF CHATHAM ZONING BOARD

PLEASE TAKE NOTICE the Town of Chatham Zoning Board has scheduled a special public meeting on Tues, December 19, 2023, 6PM at the Town Hall, 488 State Rte 295, Chatham, NY, to review an Application for a variance from StonyKill Inc., 343 County Rte 203, Tax ID#56.-1-49. This is an in-person meeting where the public can join in person or with Google Meet meet.google.com/ydi-zrkk-kkh or by phone (US)+1 812-727-0162 PIN: 686 340 027#. Copies of the application materials are available for public review at the Town Hall, M&Th 9:30AM-3:30PM. Dated 12/11/23

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
***SPECIAL* PUBLIC MEETING**
THURSDAY, December 19, 2023, 6PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman")	Donal Collins, Supv TOC
Stephen Day, Deputy Chair ("SD")	Jody Rael, applicant StonyKill Inc. ("JR")
Adrian Ooms ("AO")	Angus Eaton, mbr TOC Planning Board
Lee Gagne ("LG")	David Levow, mbr TOC Finance Comm
Melissa Voorhees Rouse ("MR") Absent	

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Dan Persing, Chairman, called the meeting to order at 6:07pm, and described this is a "special" meeting because it was changed from the regularly scheduled date and also that the town attorney had recommended the application for a variance could be reviewed by the Zoning Board. He asked all to stand for the Pledge of Allegiance to the Flag. He then introduced the board members and established a quorum with the four members present. Only members present in person can vote.

Approval of Minutes: from prior month's meeting, November 30, 2023 Chairman tabled to after the review of the application

Communications: Response from DOH re Dymond parcel Septic. Memo from CCPB re exemption of certain actions. Chairman tabled to later in the meeting during Other Business.

OLD BUSINESS

Application for a Variance for Roof Mount Solar Array 100.8 DC KW from StonyKill, Inc., 343 State Route 295, 56.-1-50 At the November 30 Zoning Board meeting, it was determined that this application needed to be reviewed by the town attorney and town board which occurred in a zoom phone call shortly thereafter when the town attorney determined that the zoning board could review this application for a variance from what is currently included in the town code until the town makes changes to the code for industrial applications. It was discussed at the town board workshop meeting on December 7 who recommended the Zoning Board schedule a special meeting in December to move the application along.

Chairman invited the applicant to approach the table and explained that in reviewing the documents in the application, there are two tax id's and two business names at the address, Columbia Falls and Stony Kill Inc., both owned by Jody Rael, the applicant; however the deed in the application is for Columbia Falls at tax ID 56.-1-49. It is necessary to have the correct deed. Chairman had researched this and printed a copy of the correct deed for Stony Kill at tax id 56.-1-50. Applicant confirms it is the correct

deed and corrected tax ID. Chairman accepts the amendment to the application. The correct property name would have to be corrected on the SEAF form and building application.

Chairman asked the applicant about the full height of the building once the panels are in place as there are height restrictions of 35 feet. JR said he would find out and report back with that information, as well as correcting the application forms.

Chairman asked Supervisor Collins about a plan to change the code who replied the town will be working to address all these issues and contemporize all according to the comprehensive plan. LG tells JR that the goal is to have the local law in place; hopefully, JR will be the first and last applicant to go through this.

Chairman asks for a motion re completeness of the application and explains to Jody the process to move to a public hearing.

LG moves the application for a variance for roof top 100kw solar array for Stony Kill Inc., tax ID 56.-1-50 at 343 State Route 295, Chatham, NY 12037, is complete with corrections of the owner name and tax ID on the SEAF and Building Application and proposed full height of building. Chairman adds that the application will move to a public hearing at the Zoning Board Meeting on January 25, 2024, 7pm at the Town Hall; SD seconds, no further discussion; all in favor; motion carries to move to public hearing with corrections to the application.

It is explained to the applicant the requirement of sending notification letters to be sent to abutters via certified mail, return receipt from a list provided by the clerk within 10 days of the meeting.

Approval of Minutes: from prior month's meeting, November 30, 2023 - Chairman asked if the members had read the minutes and if there were any changes, corrections or discussion required. There being none, LG moved that they be accepted as written, SD seconded, all voted in favor except the Chairman, who abstained due to his absence from the November 30 meeting; motion carried to accept minutes from November 30, 2023, meeting as written.

OTHER BUSINESS:

Inquiry to DOH re Dymond septic (4431 State Route 203, Tax ID #14.1-1-22) Chairperson describes response from DOH that they had no records going back before 1986. LG states that the map presented in the application shows septic 109 feet from the well which is beyond what is required. The Planning Board had passed this on to the Zoning Board to see if a variance was needed. Angus Eaton weighed in that Chatham has a requirement of a minimum distance for the well to be 50 feet from the 'property line'. LG says it is 48.9 feet from the 'assumed right of way'. Angus thinks it may not be an issue. Chairman says it will have to be looked at. LG says there also was a math error on the map showing the replacement mobile home, which can be up to 33% larger, was drawn larger than necessary which reduced their allowable area. Angus asks if they are reviewing existing septic from the well head, because he can't imagine it would be in compliance with whatever comes forward. Chairman says yes, that is what they are reviewing; LG reminds him it is existing; Angus says if they approve it because it's existing, it will be ok.

Member Education - review of courses needed.

Continuing discussion of response to American Tower re Resolution dated March 2019 - Chairman working on a draft. Checked the lease which SD had questioned if it might be a 99-year lease, but found nothing, but it's likely it is something that will have to be revisited.

Columbia County Planning Board Memo re possible new exemptions - Tal is reviewing other things that can be exempted from presenting to the County from both the Planning and Zoning boards. Chairman recommends we wait to hear from Tal.

Chairman reminds the board the date of the next meeting. LG notes that the public hearing notice for tonight's meeting had the incorrect address for the applicant on Rte 203 vs Rte 295. Supervisor thanks the Zoning Board for changing their meeting date.

Adjournment - Chairman asks if there is any more business and, if not, will entertain a motion to adjourn. SD moves to adjourn the meeting; LG seconds; all in favor; meeting adjourned 6:42pm.

Next Meeting Date: Thursday, January 25, 2024, 7pm (deadline for materials January 15)
HAPPY HOLIDAYS & HAPPY NEW YEAR!

Respectfully submitted
Dated 12/23/23
P Fallon, Zoning Board Clerk

ZONING BOARD
MEETING ATTENDANCE SIGN-IN

Date: **TUES., DEC. 19, 2023 6:00 PM**

Please print your name and address clearly for official Public Records.

DAVID LEVOW 338 Bussell Ave Chapin
JODY RAE 143 GARDNER RD CHAPIN
DONAL COLLINS TOC SUPV.
ANGUS EATON, PB MBR